

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 31, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ANTONIO M.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY, -Commissioner of  
Social Security<sup>2</sup>,

Defendant.

No. 1:23-cv-03177-EFS

**ORDER GRANTING THE PARTIES'  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)**

On January 11, 2024, the parties filed a Stipulated Motion for Remand. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.

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<sup>1</sup> For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

<sup>2</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, and section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), he is hereby substituted for Kilolo Kijakazi as the defendant in this suit.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 6**, is **GRANTED**.
2. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:
  - Develop the record;
  - Offer Plaintiff a new hearing; and
  - Issue a new decision.
3. The Clerk's Office shall **TERM** the hearing, enter **JUDGMENT** in favor of Plaintiff, and **CLOSE** the case.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel.

**DATED** this 31st day of January 2024.



EDWARD F. SHEA  
Senior United States District Judge